

**IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**HUNTINGTON DIVISION**

WILLIAM BALLENGER,

Plaintiff,

v.

CIVIL ACTION NO. 3:15-9126

LARRY CRAWFORD, Administrator  
Western Regional Jail,

Defendant.

**MEMORANDUM OPINION AND ORDER**

This action was referred to the Honorable Dwane L. Tinsley, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and recommended that the Court deny Petitioner's Petition for a Writ of Habeas Corpus (ECF No. 3) and dismiss this civil action. The Magistrate Judge further recommended that the Court specify that the petition was treated as being filed under 28 U.S.C. § 2241, and that the dismissal thereof does not count as a dismissal of a first petition under 28 U.S.C. § 2254, despite being docketed as such. Neither party has filed objections to the Magistrate Judge's findings and recommendations.

Accordingly, the Court accepts and incorporates herein the findings and recommendation of the Magistrate Judge. Consistent with the findings and recommendations, the Court **DENIES** Petitioner's Petition for a Writ of Habeas Corpus (ECF No. 3) and **DISMISSES** this civil action. The Court specifies that the petition was treated as being filed under 28 U.S.C. § 2241, and that

the dismissal thereof does not count as a dismissal of a first petition under 28 U.S.C. § 2254, despite being docketed as such.

The Court **DIRECTS** the Clerk to forward copies of this written opinion and order to all counsel of record, and any unrepresented parties.

ENTER: April 24, 2018

A handwritten signature in black ink, appearing to read 'Robert C. Chambers', written over a horizontal line.

ROBERT C. CHAMBERS  
UNITED STATES DISTRICT JUDGE